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REPORT
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MIMBRES CULTURE NATIONAL MONUMENT ESTABLISHMENT ACT OF 1991

NOVEMBER 19 (legislative day, NOVEMBER 13), 1991.—Ordered to be printed

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Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1528]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1528) to establish the Mimbres Culture National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mimbres Culture National Monument Establishment Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the prehistoric Mimbres tradition was the most significant expression of the Mogollon culture, and represents one of three great prehistoric civilizations of the American Southwest;

(2) the Mimbres and Gila River valleys, including the Silver City, New Mexico, area, contain many Mimbres sites;

(3) some of the Mimbres pueblos in those valleys were built during the classic phase of that culture in the 11th century and are among the largest in the southwestern United States;

(4) the Mimbres people developed sophisticated canal irrigation technology prior to the Anasazi Culture;

(5) the Mimbres material culture is epitomized by distinctive and strikingly painted black-on-white pottery that is recognized as the consummation of several formal, pictorial, and iconographic traditions in the American Southwest;

(6) Mimbres pottery is internationally known and is probably the single most famous prehistoric American art style;

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(7) many Mimbres sites have been vandalized or destroyed, and remaining sites are threatened by further vandalism and illegal pot-hunting; and

(8) in recognition of the national significance of the Mimbres sites and the urgent need to protect the valuable Mimbres cultural resources from vandalism and destruction, it is appropriate that a national monument and a system of archeological protection sites be established in New Mexico.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the nationally significant cultural resources associated with the prehistoric Mimbres tradition;

(2) to provide for the protection and interpretation of these resources for the benefit and enjoyment of present and future generations;

(3) to facilitate research activities; and

(4) to encourage government and private sector protection actions.

SEC. 3. ESTABLISHMENT OF THE MONUMENT.

(a) IN GENERAL.—There is hereby established the Mimbres Culture National monument (hereinafter referred to as the "monument") in the State of New Mexico as a unit of the National Park System, consisting of approximately 959 acres, including the Cameron Creek, Mattocks, TJ Ruin, and Woodrow Units, as generally depicted on a map entitled "Mimbres Culture National Monument", numbered 80,007-A and dated July, 1991. Such map shall be kept on file and available for public inspection in the office of the Director of the National Park Service and in appropriate offices of the National Park Service in the State of New Mexico.

(b) ACQUISITION OF LANDS.—(1) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands and interests in land within the boundaries of the monument by donation, purchase with donated or appropriated funds, or exchange: *Provided* that no lands or interests therein owned by the State of New Mexico or a political subdivision thereof may be acquired except by donation or exchange.

(2) No lands or interests in land may be added to the monument after the date of enactment of this Act without specific authorization by Congress and the consent of the owner of such land or interest therein.

(3)(A) Subject to negotiated agreements to ensure cultural resource protection, an owner of improved residential property within the boundaries of the monument may, on the date of the acquisition of such property, retain for the owner and the owner's successors and assigns, a right of use and occupancy of the property for such residential purposes as existed before August 2, 1991, for a term, as the owner may elect—

(i) of not more than 25 years; or

(ii) ending at the death of the owner or the owner's spouse, whichever is later.

(B) The Secretary shall pay to the owner the difference between the fair market value of the property on the date of acquisition and the fair market value of the property on the date of the term retained by the owner.

(c) VISITOR CENTER.—The Secretary shall establish a visitor center and administrative headquarters for the monument in Silver City, New Mexico. The Secretary is authorized to acquire, in accordance with subsection (b)(1) of this section, up to 3 acres of land in Silver City for the purpose of establishing the visitor center and administrative headquarters.

SEC. 4. ADMINISTRATION OF THE MONUMENT.

(a) IN GENERAL.—The Secretary shall administer the monument in accordance with the provisions of this Act and laws generally applicable to the administration of units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.).

(b) GENERAL MANAGEMENT PLAN.—Not later than 3 years after the date funds are made available for this subsection, the Secretary shall, in consultation with appropriate Federal and State agencies, public and private entities, affected landowners, and American Indian groups, including the Zuni Tribe, prepare and transmit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives a general management plan (hereinafter referred to as the "plan") for the monument consistent with the purposes of this Act. The plan shall include—

(1) a statement of the number of visitors and types of public use within the monument which can be accommodated in accordance with the protection of the monument's resources;

(2) a resource protection program, including resource inventories;

(3) a general interpretive program, which shall include dissemination of information on the Masau Trail;

(4) a general development plan for the monument, including a description of facilities needed to accommodate for public use and for resource protection, and the estimated costs thereof;

(5) a research plan to evaluate broad aspects of the Mimbres culture, developed in cooperation with other Federal and State agencies, and public and private entities;

(6) a feasibility analysis of the WS Ranch archaeological site, including management options and the potential for public use and interpretation;

(7) details of proposed cooperative agreements; and

(8) a joint management plan for the Mimbres Culture Archaeological Sites Protection System established pursuant to section 5 of this Act. Such plan shall include—

(A) resource protection measures and associated costs;

(B) research needs and plans;

(C) a general interpretive program for the system; and

(D) guidelines for cooperative agreements, proposed cooperative agreements, and associated costs.

(c) COOPERATIVE AGREEMENTS.—(1) The Secretary may enter into cooperative agreements with appropriate local institutions of higher learning for the purpose of establishing a curatorial operation for the care and maintenance of Mimbres cultural artifacts. Such cooperative agreements may include an agreement to provide funding assistance, subject to appropriation, specifically for the curation of Mimbres cultural artifacts.

(2) The Secretary may enter into cooperative agreements with other Federal agencies, and other public and private entities for the implementation of the research plan referred to in subsection (b)(5).

(d) RESEARCH SITE.—The Secretary shall administer the Woodrow Unit of the monument primarily as a research site. General public use facilities shall not be provided at the Woodrow Unit.

(e) IRRIGATION DITCH MANAGEMENT.—The Secretary shall not interfere with the continued use, maintenance, and operation of irrigation ditches located within the boundaries of the monument as of the date of enactment of this Act.

SEC. 5. MIMBRES CULTURE ARCHEOLOGICAL SITE PROTECTION SYSTEM.

(a) ESTABLISHMENT.—(1) In order to encourage the protection, interpretation, research, and integration of information about the Mimbres culture, there is hereby established the Mimbres Culture Archeological Site Protection System (hereinafter referred to as the "system") in the State of New Mexico, as generally depicted on a map entitled "Mimbres Culture Archeological Site Protection System", numbered 80,006-B and dated April, 1991.

(2) The system shall consist of the following eleven sites—Black Mountain; Cottonwood; Gatton Park; Lake Roberts; Old Town; Pony Hills; Pine Flat; Red Rock Cemetery; Red Rock Pithouse; WS Ranch; and Rio Vista.

(b) ADDITIONAL SITES.—(1) The Secretary shall undertake research to locate additional Mimbres sites on Federal lands in New Mexico.

(2) The owner of a non-Federal site may nominate such site for inclusion in the system. Upon nomination of such site, the Secretary shall review the site to determine whether the addition of the site is consistent with the purposes of the system. The Secretary shall include any recommendation with respect to the site in the report referred to in subsection (c).

(3) Addition of new sites or deletion of existing sites from the system may only be made by an Act of Congress.

(c) REPORT.—Not later than 3 years after the completion of the general management plan referred to in section 4(b), the Secretary shall prepare and transmit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives providing recommendations for additions to or deletions from the list of archeological protection sites set forth in subsection (a)(2).

(d) ADMINISTRATION.—(1) The Secretary, in consultation and cooperation with affected Federal and State agencies and landowners, shall administer the system in a manner that will provide for the protection, preservation, and interpretation of Mimbres cultural resources and to facilitate research activities associated with such resources.

(2) Non-Federal lands or interests therein may not be acquired for addition to the system.

(e) COOPERATIVE AGREEMENTS.—(1) The Secretary or the Secretary of Agriculture, where appropriate, may enter into cooperative agreements with other Federal, State, and local agencies, public and private entities, private landowners, and other persons for the purposes of administration, management, protection, research, and interpretation of sites within the system.

(2) Federal funds may be expended, subject to appropriation, on non-Federal sites through cooperative agreements with, and the consent of, the owners of such sites.

(f) ADVISORY COMMITTEE.—The Secretary shall establish an Advisory Committee, composed of representatives of Federal and State government agencies, and other interested parties, to provide guidance in the preparation and implementation of the joint management plan required by section 4(b)(8).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

PURPOSE OF THE MEASURE

The purpose of S. 1528, as ordered reported, is to establish the Mimbres Culture National Monument in the State of New Mexico and to establish a system of archeological protection sites for Mimbres sites in New Mexico.

BACKGROUND AND NEED

Three ancient and rich Indian civilizations flourished in what is now the State of New Mexico, including the Anasazi, Hohokam, and Mogollon cultures. Each expressed distinctive life-styles, based in large part on its adaptations to specific geographic locations.

The most significant expression of the Mogollon culture has been left by a group known as the Mimbres. Named for the Mimbres River of southwestern New Mexico, the Mimbres people lived between A.D. 200 and 1150, although the origins of the culture and the reasons for its demise are not fully understood. The Mimbres had a sophisticated agricultural society, which included the creation of sophisticated stream diversion and canal irrigation systems.

The Mimbres first lived in semi-subterranean pithouses, but around A.D. 1000 began to build masonry villages, achieving levels of population density unknown by other contemporary southwestern societies.

The Mimbres culture is perhaps best known, however, for the development of an extraordinary decorated pottery that is characterized by striking black-on-white paintings, displaying highly complex geometric and representational designs, including paintings of plants, animals, humans and mythological beings. Mimbres pottery now enjoys an international reputation, and Mimbres art is perhaps the single most famous prehistoric American Indian art style.

In 1988 Congress enacted the National Mimbres Culture Study Act, which directed the Secretary of the Interior to analyze the significance of the Mimbres culture, to identify sites appropriate for interpreting the culture, to recommend measures for preserving known Mimbres resources, and to outline development that would facilitate public use and enjoyment.

The study, which was completed in 1990, found that the Mimbres culture is of national significance and that the cultural resources remaining are among the most threatened in the Southwest.

LEGISLATIVE HISTORY

S. 1528 was introduced by Senators Bingaman and Domenici on July 23, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the bill on September 26, 1991. Last Congress, the Subcommittee held a hearing on similar legislation, S. 2429, although no further action was taken.

At the business meeting on October 30, 1991, the Committee on Energy and Natural Resources ordered S. 1528, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on October 30, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1528, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford*	
Mr. Bradley*	
Mr. Bingaman	
Mr. Wirth	
Mr. Conrad	
Mr. Akaka*	
Mr. Fowler*	
Mr. Shelby*	
Mr. Wellstone*	
Mr. Wallop	
Mr. Hatfield	
Mr. Domenici	
Mr. Murkowski	
Mr. Nickles*	
Mr. Burns	
Mr. Craig	
Mr. Seymour*	
Mr. Garn	

*Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of S. 1528, the Committee adopted an amendment in the nature of a substitute. The amendment makes a number of technical, clarifying and conforming changes.

As introduced, section 3(b)(5) of S. 1528 contained a provision pertaining to Federal reserved water rights. This provision was not included in the amendment adopted by the Committee because in the Committee's view it was unnecessary. Of the four areas designated as part of the National Monument by this Act, one is a Federal area already withdrawn with an attendant implied Federal reserved water right and the other three are non-Federal areas to which such a right does not apply.

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the Act the "Mimbres Culture National Monument Establishment Act of 1991."

Section 2 contains the Congressional findings and purposes.

Section 3(a) establishes the 959 acre Mimbres Culture National Monument (the "monument"), consisting of four separate units, as generally depicted on the referenced map.

Subsection (b) authorizes the Secretary of the Interior (the "Secretary") to acquire lands and interests in lands within the boundaries of the monument by donation, purchase with donated or appropriated funds, or exchange. Lands or interests therein which are owned by the State of New Mexico, or a political subdivision thereof, may only be acquired by donation or exchange.

Paragraph (2) makes clear that no new lands may be added to the monument after the date of enactment of this Act without a subsequent Act of Congress and that no new lands are to be acquired without the consent of the affected landowner.

Paragraph (3) provides that owners of residential properties within the boundaries of the monument which were in existence before August 2, 1991, are granted an option to retain a reservation of use and occupancy for either a 25-year period, or a life estate, with the option to be determined by the owner. Any reservation is subject to negotiated agreements to ensure cultural resource protection.

Subsection (c) directs the Secretary to establish a visitor center for the monument in Silver City, New Mexico, and authorizes the acquisition of up to 3 acres of land in Silver City for such purpose, consistent with the land acquisition provisions of subsection (b)(1).

Section 4 pertains to the administration of the monument. Subsection (a) directs the Secretary to administer the monument in accordance with this Act and laws generally applicable to the administration of units of the National Park System, including the 1916 National Park Service Organic Act and the Historic Sites Act of 1935.

Subsection (b) directs the Secretary to prepare a general management plan for the monument and transmit such a plan to the Senate Energy and Natural Resources Committee and the House Interior and Insular Affairs Committee not later than 3 years after the date funds are made available for the plan.

Subsection (c) authorizes the Secretary to enter into cooperative agreements with appropriate local institutions of higher learning for the purpose of establishing a curatorial operation for the care and maintenance of the Mimbres cultural materials. The Secretary is also authorized to enter into cooperative agreements with public and private entities to implement a research plan to evaluate the Mimbres culture, as required in the preparation of the general management plan for the monument.

Subsection (d) provides that the Secretary is to administer the Woodrow unit of the monument primarily as a research site, and that general public use facilities are not to be provided at such site.

Subsection (e) makes clear that the Secretary shall not interfere with the continued use, maintenance and operation of irrigation

ditches located within the boundaries of the monument as of the date of enactment of this Act.

Section 5 establishes the Mimbres Culture Archeological Site Protection System (the "system"). Subsection (a) provides that the system is to consist of 11 sites as described in paragraph (2).

Subsection (b) directs the Secretary to undertake research to locate additional Mimbres sites on Federal lands in New Mexico. Paragraph (2) provides that the owner of a non-Federal site may nominate such site for inclusion in the system. The Secretary is directed to review the nomination to determine whether the addition of the site is consistent with the purposes of the system.

Paragraph (3) states that addition of new sites to or the deletion of existing sites from the system may only be made by an Act of Congress.

Subsection (c) requires the Secretary, within 3 years after the date funds are made available for the report, to prepare a report providing recommendations for additions to or deletions from the system. Such report is to be transmitted to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs.

Subsection (d) directs the Secretary, in consultation and cooperation with affected Federal and State agencies, and landowners, to administer the system in a manner that will provide for the protection, preservation and interpretation of Mimbres cultural resources and to facilitate research activities. Paragraph (2) states that non-Federal lands or interests therein may not be acquired for addition to the system.

Subsection (e) states that the Secretary, or the Secretary of Agriculture, where appropriate, is authorized to enter into cooperative agreements with other Federal, State and local agencies, public and private entities, landowners and other persons to provide for the administration, management, protection, research, and interpretation of sites within the system.

Subsection (f) provides that Secretary shall establish an advisory committee, composed of representatives of Federal and State government agencies and other interested parties, to provide guidance in the preparation of the joint management plan.

Section 6 authorizes the appropriation of such sums as may be necessary to carry out this Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 18, 1991.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S.1528, the Mimbres Culture National Monument Establishment Act of 1991, as ordered reported by the Senate Committee on

Energy and Natural Resources on October 30, 1991. Assuming that S. 1528 is enacted within the next few months and that sufficient funds are appropriated, CBO estimates that the National Park Service (NPS) would spend between $3 million and $6 million over the fiscal years 1992 through 1994 for preliminary research and planning, land acquisition, and resource protection. Spending during the following several years for long-term interpretation and development would be determined by NPS recommendations, park funding priorities, and appropriation actions. These activities could cost between $8 million and $12 million over five to ten years. Finally, beginning in fiscal year 1994, annual NPS costs would increase by about $1 million. Enactment of S. 1528 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

S. 1528 would establish the Mimbres Culture National Monument. The 959-acre monument would consist of four archeological sites, including one (Woodrow) currently owned by the State of New Mexico and one (TJ Ruins of Gila Cliffs National Monument) already owned by the federal government. The bill would authorize the NPS to acquire lands within the boundaries of the new monument by purchase, donation or exchange, except that public lands may not be purchased. An additional three acres of land could also be acquired in Silver City, New Mexico, where the agency would be required to establish a monument visitor center and administrative headquarters. The NPS would be authorized to obtain necessary curatorial services for Mimbres artifacts through cooperative agreement with a local institution.

S. 1528 also would establish an archeological site protection system, designating eleven sites for initial inclusion. The system would be managed for the preservation and interpretation of cultural resources; the promotion of research would be a primary focus. Activities related to these goals would be carried out with federal funds under cooperative agreements with affected public agencies and private landowners, except that nonfederal lands could not be acquired.

Within three years of receiving funding, the NPS would be required to complete a general management plan (GMP) for the monument and the protection system. The GMP would include specifications for a cooperative research program, a feasibility study for the SW Ranch site, and a joint management plan for the eleven protection system sites. Finally, section 6 would authorize the appropriation of whatever sums are necessary to carry out the bill's purposes.

CBO estimates that the NPS would spend between $1.1 million and $2.1 million to evaluate all monument and protection system sites, assess long-term development and/or resource protection needs, and prepare the required general management plan by the end of fiscal year 1994. Over this same period, between $1.7 million and $2.2 million would be spent to acquire up to 871 acres of private lands within the boundaries of the new monument. Basic stabilization and protection needs for the protection system sites would cost an additional $0.6 million to $1.7 million.

Spending after 1994 for interpretation and development would depend on the results of archeological investigations and the NPS

planning process. Based on information obtained from the NPS, CBO expects that long-term development would focus on the two privately owned monument sites (Mattocks Ranch and Cameron Creek) and the Silver City facility. The other two monument sites would not be developed for public use and would require very few facilities. Beyond basic stabilization and research, protection system expenditures would probably be limited to the installation of minor exhibits. CBO estimates that the cost of developing an interpretive program for the monument (including exhibits at protection system sites) would be between $1.2 million and $1.8 million. Estimated costs for new administrative and visitor facilities range from $7 million to $10 million, depending on which of several options is chosen by the NPS.

Finally, beginning in fiscal year 1994, the NPS would incur additional annual costs of between $0.7 million and $0.8 million to manage and operate the new monument, including payments for curatorial services. An additional $200,000–$350,000 would be spent to support the cooperative research program and to administer the archeological protection sites. Most of the eleven sites are already owned by federal or other public agencies and would remain within their present jurisdictions. Additional spending of about $100,000 annually would be needed to upgrade site preservation and surveillance.

Enactment of this bill would have no impact on the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1528. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1528, as ordered reported.

EXECUTIVE COMMUNICATIONS

On September 12, 1991, the committee on energy and natural Resources requested legislative reports from the Department of Agriculture, the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 1528. These reports had not been received at the time the report on S. 1528 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional

Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

STATEMENT OF JERRY ROGERS, ASSOCIATE DIRECTOR FOR CULTURAL RESOURCES, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman, I appreciate this opportunity to provide your Subcommittee with the Administration's views on S. 1528, a bill to establish a Mimbres Culture National Monument and an archeological protection system for Mimbres sites in the State of New Mexico.

Mr. Chairman, we support enactment of S. 1528 if amended as we suggest herein.

S. 1528 seeks to recognize the nationally significant cultural resources associated with the Mimbres people of southwestern New Mexico, provide for protection and interpretation to the public of these resources, and facilitate future research by establishing a Mimbres Culture National Monument and Site Protection System. It provides for acquisition and management by the National Park Service of four nationally significant Mimbres Archeological Sites and for a centrally located visitor center/monument headquarters in Silver City, New Mexico. The legislation further proposes an archeological site protection system consisting of 11 Mimbres archeological sites owned by the State of New Mexico as well as the Federal government, with a provision for private owners to nominate their sites to the system, as well. Sites within the system will continue to be owned and managed by their present owners. Through consultation and coordination based on the elements of a joint management plan to be developed by affected agencies and owners, the site protection system will provide protection, interpretation, and research opportunities for Mimbres cultural resources.

Mr. Chairman, we recommend the following amendments to S. 1528:

1. Sec. 2(a)(8) should contain a reference to the archeological site protection system established under sec. 4(a) in addition to the national monument established in sec. 3(a).

2. Subsection 3(b)(2) authorizes a cooperative agreement with Western New Mexico University for the purposes of establishing a curatorial operation for the care and maintenance of Mimbres cultural materials. It further authorizes funding assistance for curatorial needs. This subsection should be generic in terms of those who may receive such assistance, and any financial assistance should be specifically focused on curation of Mimbres cultural resources.

3. In section 4(a)(3), change the time limitation for nomination of privately owned sites to the protection system from "3 years the date of enactment" to "3 years following completion of the plan called for in sec. 4(c)" to allow for completion of the joint management plan. This will give

property owners an opportunity to assess the nature of the system they might seek to join.

4. In subsection 4(b)(1) the word "agencies" should be changed to "landowners" to provide for the inclusion of private lands.

5. At the end of subsection 4(b)(1) add a new sentence to read: "The sites included herein shall be provided management oversite by the Secretary in accordance with the provisions of this title and the provisions of law generally applicable to the Federal system in which each is presently included."

6. At the end of subsection 4(b)(2) add a new sentence to read: "Any such agreement shall contain provisions for (1) the Secretary, or his representative, to have access at reasonable times to appropriate portions of the property for the purpose of cultural resource protection and conducting research, and (2) no changes or alterations shall be undertaken with respect to the cultural resources without consultation with the Secretary."

7. Subsection 4(d) directs the Secretary to establish an advisory committee to provide guidance in the preparation of the joint management plan and further in its implementation. We recommend that the committee be established through a cooperative agreement between the various agencies and private landowners involved and not be subject to the formal requirements of the Federal Advisory Committee Act.

The four non-contiguous national monument archaeological sites comprise a total of approximately 959 acres. These four sites—TJ Ruins, Mattocks Ranch Ruins, Cameron Creek Ruins and Woodrow Ruins—were selected by an inter-disciplinary planning team, including professional archaeologists, for their research and visitor use potential. The legislation also provides for a cooperative agreement, including funding assistance, to establish a curatorial operation for the care and maintenance of Mimbres cultural materials.

The resources of the Mimbres culture were found to be nationally significant in a congressionally directed National Park Service study of the Mimbres, transmitted to Congress on April 19, 1990. The study also found that a Mimbres park would be suitable for inclusion in the National Park System and feasible for the National Park Service to administer.

To understand the significance of the Mimbres culture, it is useful to describe it within the context of the prehistory of the southwest. There were three major prehistoric American Indian traditions in the southwest: (1) The Anasazi—famous architects of Chaco Canyon and Mesa Verde—are represented within the National Park System in numerous national parks and monument; (2) The Hohokam of central and southeastern Arizona, known for their huge canal systems are represented at Casa Grande National Monument; and (3) The Mogollon—who once inhab-

ited southeastern Arizona, southwestern New Mexico, and northern Mexico—are not currently represented. This gap in the representation of a major cultural tradition in southwestern prehistory is an important reason why the Mimbres culture is suitable for addition to the National Park System.

The Mimbres people inhabited southwestern New Mexico between 200 and 1150 A.D. and created the most significant expression of the Mogollon culture. The national significance of the Mimbres people is based on three major elements:

1. During the class Mimbres period (1000–1150 A.D.), when their culture reached a peak, they built the largest settlements in the southwest outside of the major Chaco Canyon pueblos. In the Mimbres valley, the large pueblos ranged up to 200 rooms and the largest Gila Valley sites were more than half again larger. This is significant because the aggregation of population into large pueblo-like structures entails social adjustments and political developments that are much more complex than those of societies living in dispersed settlements. In comparison the average Anasazi site of the period was a small house of perhaps seven rooms and a kiva. A number of these units would be loosely clustered in a community. The largest Hohokam site of the time is estimated as having only dozens of rooms in use at one time.

2. The Mimbres also established a complex system of irrigation canals. Of many ways to manipulate water in the arid and semi-arid lands of the southwest, canal irrigation requires the largest initial investment of manpower in facilities and the most complex coordination of subsequent maintenance. Although the Mimbres canal systems did not rival the extensive systems of the Hohokam, the Mimbres were feeding their people through complex canal systems at a time when most Anasazi relied on rainfall.

3. It is however, distinctive pottery designs that most brings the ancient Mimbres culture to life for us today. It is probably the single most famous prehistoric American Indian art style. Beyond its beauty and craftsmanship, Mimbres pottery is especially valuable for insights it provides into the lives of the Mimbres people. The most intriguing bowls have representational designs with birds, fish, insects, mammals, and plants. There are also humans or human-like beings, likely mythical or otherworldly personages, engaging in a variety of activities including hunting, planting, child-birth, rituals, gambling, and ever bear-wrestling and parrot-training. Except for rock art, a few kiva murals and,—outside of the Mimbres—a limited quantity and quality of pottery designs, our knowledge of the prehistoric people of the southwest is limited to the remains of their material culture—building materials, utensils and tools, trash mounts, and scraps of leather and woven cloth. Mimbres pottery not only provides examples of the natural and cultural world of the Mimbres, but also

unusual insights into the mental world of the prehistoric southwest.

The mythic traditions depicted in Mimbres art suggest relationships to modern pueblo and pre-columbian middle American culture. Important elements of pueblo ceremonialism may have developed among the Mimbres. During our consultations with the American Indian groups, the Hopi Indians expressed great interest in the designs and concern that these highly significant resources be protected and presented with respect. Many American Indian artists have been inspired by Mimbres designs, especially the Zuni, Acoma, and Hopi; and Mimbres motifs have found their way into much of the fine and commercial art of the southwest.

The beauty and uniqueness of the Mimbres pottery has, however, led to a large and growing market for Mimbres artwork, and the subsequent increasing destruction of Mimbres archeological sites by pothunters, digging both legally on private property and illegally on Federal lands. A primary purpose of the legislation at hand is to provide protection for Mimbers sites and to educate the public about the research and heritage values associated with the Mimbres culture.

Of the approximately 959 acres within the monument, the 53 acres containing the TJ Ruin are already in Federal ownership with Gila Cliff Dwellings National Monument. State lands total 34 acres and include the Woodrow Ruins, which will be acquired by the Federal government through donation or exchange from the State, and a riparian area adjacent to the Mattocks Ranch Ruins, which will continue to be owned and managed by the State. Private lands total 871 acres, 830 acres to be acquired in fee and 41 acres in easement, at an estimated cost of $1,975,000.

Total estimated cost for acquisition or lease of land for the Silver City visitor center is unknown because no specific site has been identified as the preferred location.

Based on similar units of the National Park System, we estimate that annual operation of the Mimbres Culture National Monument would cost approximately $400,000 for each of the first three years.

The Mimbres Culture Archeological Site Protection System that would be established pursuant to section 4 of S. 1528, which effectively blends private and public ownership and management of nationally significant cultural resources under the auspices of the National Park Service, will add to the preservation, protection, and interpretation of some of this Nation's most treasured heritage.

The present legislation is the result of an effective consultation process that included the New Mexico congressional delegation, the National Park Service and other Federal agencies, the State of New Mexico, private landowners, and interested citizens in the Silver City area. Several sections of S. 1528 reflect this process, including provisions that any future additions to the monument cannot be

made without congressional authorization and consent of the owner and that rights of use and occupancy would be considered for owners of improved property within the monument boundary. Language on water rights and irrigation ditch management, on consultation with Native American groups, and feasibility analysis of the WS Ranch was also added in response to community concerns. Through the general management planning process, the National Park Service will continue this process if this legislation becomes law.

Passage of S. 1528 would provide for the inclusion within the National Park System of a major component of North American prehistory not currently represented within the System.

Funding for this land acquisition would be contingent on Administration priorities and Department application of Land and Water Conservation Fund ranking criteria.

This legislation would conform with the "Pay-as-you-go" provisions of the Budget Enforcement Act.

Mr. Chairman, this concludes my prepared remarks concerning S. 1528. I will be pleased to answer any questions that you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1528, as ordered reported.

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